

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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In Re:	:	
TODD DANIEL POLIN	:	CHAPTER 13
xxx-xx-7656	:	
HEATHER ELIZABETH POLIN	:	CASE NO. 23-10221-PMM
xxx-xx-5981	:	
Debtors.	:	
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J.P. Morgan Mortgage Acquisition Corp.	:	
Movant,	:	
v.	:	Courtroom Number 1
TODD DANIEL POLIN	:	Hearing Date: May 8, 2024 @ 1:00pm
HEATHER ELIZABETH POLIN	:	
Debtors,	:	
And	:	
KENNETH E. WEST	:	
Trustee,	:	
Respondents.	:	
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**MOTION OF J.P. MORGAN MORTGAGE ACQUISITION CORP. FOR RELIEF  
FROM THE AUTOMATIC STAY TO PERMIT MOVANT TO EXERCISE ITS RIGHTS  
UNDER STATE LAW AGAINST CERTAIN REALTY KNOWN AS 328 NORTH PENN  
STREET, HATBORO, PENNSYLVANIA 19040**

Movant, by its Attorney, Romano Garubo & Argentieri, Emmanuel J. Argentieri, Esquire appearing, hereby requests a modification of the automatic stay and leave so it can exercise its rights under state law against certain realty and avers as follows:

1. Movant is J.P. Morgan Mortgage Acquisition Corp (hereinafter "Movant").

2. Movant is the holder of a Note secured by a mortgage on the Debtor's realty commonly known as 328 North Penn Street, Hatboro, Pennsylvania 19040. (**Please see Exhibit "A" attached hereto and incorporated herein).**

3. Debtors' Chapter 13 petition was filed January 24, 2023.
4. The amount of Debtors' post-petition mortgage payment is \$1474.47.
5. Debtors should have made fourteen (14) payments outside of the plan since the date of filing petition.
6. Since the date of filing, Debtor has only made ten (10) payments to Movant.
7. Debtors are behind four (4) payments outside the plan, through the payment due

March 1, 2024.

8. The total amount of delinquency outside the plan is \$5,795.58.

The amount is computed in the following manner:

- a) 12/01/2023 through 01/01/2024 post-petition payments at \$1,461.72 each: \$2,923.44
- b) 02/01/2024 through 03/01/2024 post-petition payments at \$1,474.72 each: \$2,948.94
- c) Less suspense balance of \$76.80

9. Pursuant to the foregoing, Movant contends that cause exists to grant it relief from the Automatic Stay. Movant is not adequately protected. Accordingly, Movant is entitled to relief from the automatic stay under 11 U.S.C. §362(d)(1).

10. Movant has cause to have relief from the Automatic Stay effective immediately and such relief should not be subject to the fourteen-day period set forth in Bankruptcy Rule 4001(a)(3), as Movant will incur substantial additional costs and expenses by the imposition of said fourteen-day period.

11. Movant has had to incur legal fees as a result of the prosecution of this Motion.
12. The other Respondent is the Chapter 13 Trustee appointed in the above-captioned chapter 13 proceeding.

WHEREFORE, Movant respectfully requests that the Court enter an Order which grants it relief from the Automatic Stay, along with all other relief the Court deems just and equitable under the circumstances.

ROMANO GARUBO & ARGENTIERI  
Attorneys for Movant

By: /s/ Emmanuel J. Argentieri  
Emmanuel J. Argentieri, Esquire  
PA Attorney ID No. 59264

Dated: April 8, 2024

Romano Garubo & Argentieri  
Emmanuel J. Argentieri, Esquire  
Atty ID#59264  
52 Newton Avenue, PO Box 456  
Woodbury, NJ 08096  
(856)384-1515